

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

CIVIL MOTIONS HEARING

IN RE CATTLE AND BEEF ANTITRUST
LITIGATION

COURT MINUTES
BEFORE: Hildy Bowbeer
U.S. Magistrate Judge

This Document Relates to:
All Actions

Case No.: 20-cv-1319 (JRT/HB)
Date: March 24, 2022
Location: n/a (by videoconference)
Court Reporter: Renee Rogge
Time: 9:00 am – 11:01 am
11:11 am – 12:52 pm
1:02 pm – 1:57 pm
Total Time: 4 hours 37 minutes

APPEARANCES:

Class Plaintiffs:

- For Cattle Producer Plaintiffs: Patrick McGahan, Jennifer W. Sprengel, Stacey P. Slaughter, and Geoffrey H. Kozen
- For Direct Purchaser Plaintiffs: Adam J. Zapala, Megan E. Jones, Jason Lindner, and Michelle J. Looby
- For Commercial and Institutional Indirect Purchaser Plaintiffs: A. Blaine Finley and S. Sterling Aldridge
- For Consumer Indirect Purchaser Plaintiffs: Kyle J. Pozan, Brian D. Clark, W. Joseph Bruckner, and Shana Scarlett

Defendants:

- For Cargill, Inc.: X. Kevin Zhao, Matthew D. Provance, and Holley C. M. Horrell
- For JBS: Donald G. Heeman, Christopher R. Morris, Sami H. Rashid, and Patrick E. Brookhouser, Jr.
- For National Beef Packing Company: Benjamin L. Ellison, and Tiffany D. Lipscomb-Jackson
- For Tyson Foods: Caroline Gizem Tunca, David P. Graham, and Ulrike Connelly

PROCEEDINGS:

The Court heard oral argument on Plaintiffs' Motion to Compel Document Custodians [ECF No. 376] and Section L of Plaintiffs' Motion to Compel Documents [ECF No. 394] and took those motions under advisement.

In the hope that the parties may be able to make further progress on disputed custodians through the meet-and-confer process, the Court instructed Plaintiffs to identify as to each proposed new custodian the date ranges for which they would expect Defendants to search for documents from

that custodian. After sharing and discussing this clarification with Defendants, Plaintiffs are instructed to file an update letter no later than Thursday, March 31, 2022, at 4:30 pm CT, providing the list of proposed custodians and date ranges as well as any agreements resulting from the discussion with Defendants.

To aid in the resolution of Defendants' Motion for Protective Order [ECF No. 377], the Court instructed the parties to provide relevant portions of the transcript of December 6, 2021 telephone proceedings before the Honorable Gabriel A. Fuentes in *In re Turkey Antitrust Litigation*, Case No. 19-cv-08318 (N.D. Ill.), during which Judge Fuentes addressed Defendants' request for permission to serve a pre-deposition contention interrogatory related to phone records in that case. [See also ECF No. 463.]

Except as noted below, the Court ruled from the bench on those portions of Plaintiff's Motion to Compel Documents [ECF No. 394], on which it heard oral argument on March 18. The Court denied certain portions of the motion as moot in view of agreements reached between the parties subsequent to the filing of the motion. Those agreements were identified on the record at the March 18 and March 24 hearings and/or in the parties' joint letter of March 23, 2022 [ECF No. 465]. The Court took under advisement one issue addressed in Section III(D) of Plaintiffs' motion, relating to presentations made to agency regulators in connection with regulatory investigations. As to all other portions of the motion [ECF No. 394], the Court, ruling from the bench, GRANTED IN PART and DENIED IN PART the motion for the reasons and as fully described on the record.

s/MJA
Judicial Law Clerk